

1 AN ACT concerning municipalities.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Municipal Code is amended by
5 changing Section 9-2-9 as follows:

6 (65 ILCS 5/9-2-9) (from Ch. 24, par. 9-2-9)

7 Sec. 9-2-9. Preliminary procedure for local improvements
8 by special assessment. All ordinances for local improvements
9 to be paid for wholly or in part by special assessment or
10 special taxation shall originate with the board of local
11 improvements. Petitions for any local improvement shall be
12 addressed to that board. The board may originate a scheme for
13 any local improvement to be paid for by special assessment or
14 special tax, either with or without a petition, and in either
15 case shall adopt a resolution describing the proposed
16 improvement. This resolution may provide that specifications
17 for the proposed improvement be made part of the resolution
18 by reference to specifications previously adopted by
19 resolution by the municipality, or to specifications adopted
20 or published by the State of Illinois or a political
21 subdivision thereof, provided that a copy of the
22 specifications so adopted by reference is on file in the
23 office of the clerk of the municipality. This resolution
24 shall be at once transcribed into the records of the board.

25 The proposed local improvement may consist of the
26 acquisition of the necessary interests in real property and
27 the construction of any public improvement or any combination
28 of public improvements, including, but not limited to,
29 streets street, storm drain sewers sewer, water mains main,
30 or sanitary sewer improvements, sidewalks, walkways, bicycle
31 paths, parks, landscaping, recreation areas, lighting

1 improvements, signage improvements, vehicular parking
2 improvements, any additional improvements necessary to
3 provide access to the public improvements, and all necessary
4 appurtenances, ~~or any combination thereof,~~ in a local
5 contiguous area pursuant to a single special assessment
6 project, provided that in assessing each lot, block, tract,
7 and parcel of property, the commissioner so assessing shall
8 take into consideration whether each lot, block, tract, or
9 parcel is benefited by all or only some of the improvements
10 combined into the single special assessment project. For
11 purposes hereof, a local contiguous area shall be defined as
12 an area in which all of the lots, blocks, tracts, or parcels
13 located within the boundaries thereof will be benefited by
14 one or more of the proposed improvements. The fact that more
15 than one improvement is being constructed as part of a single
16 special assessment project shall not be grounds for an
17 objection by an assessee to the special assessment proceeding
18 in court.

19 Whenever the proposed improvement requires that private
20 or public property be taken or damaged, the resolution shall
21 describe the property proposed to be taken or damaged for
22 that purpose. The board, by the same resolution, shall fix a
23 day and hour for a public hearing thereon. The hearing shall
24 not be less than 10 days after the adoption of the
25 resolution. The board shall also have an estimate of the cost
26 of the improvement (omitting land to be acquired) made in
27 writing by the engineer of the board, (if there is an
28 engineer, if not, then by the president) over his signature.
29 This estimate shall be itemized to the satisfaction of the
30 board and shall be made a part of the record of the
31 resolution. However, such an estimate is not required in
32 municipalities having a population of 100,000 or more when
33 the proposed improvement consists only of taking or damaging
34 private or public property. And in cities and villages which

1 have adopted prior to the effective date of this Code or
2 which after the effective date of this Code adopt the
3 commission form of municipal government, the estimate of the
4 cost of the improvement, (omitting land to be acquired),
5 shall be made in writing by the public engineer if there is
6 one, of the city or village, if not, then by the mayor or
7 president of the city or village.

8 Notice of the time and place of the public hearing shall
9 be sent by mail directed to the person who paid the general
10 taxes for the last preceding year on each lot, block, tract,
11 or parcel of land fronting on the proposed improvement not
12 less than 5 days prior to the time set for the public
13 hearing. These notices shall contain (1) the substance of the
14 resolution adopted by the board, (2) when an estimate is
15 required by this Division 2 the estimate of the cost of the
16 proposed improvement, and (3) a notification that the extent,
17 nature, kind, character, and (when an estimate is required by
18 this article) the estimated cost of the proposed improvement
19 may be changed by the board at the public hearing thereon. If
20 upon the hearing the board deems the proposed improvement
21 desirable, it shall adopt a resolution and prepare and submit
22 an ordinance therefor. But in proceedings only for the
23 laying, building, constructing, or renewing of any sidewalk,
24 water service pipe, or house drain, no resolution, public
25 hearing, or preliminary proceedings leading up to the same
26 are necessary. In such proceedings the board may submit to
27 the corporate authorities an ordinance, together with its
28 recommendation and (when an estimate is required) the
29 estimated cost of the improvement, as made by the engineer.
30 Such proceedings shall have the same effect as though a
31 public hearing had been held thereon.

32 In the event that a local improvement is to be
33 constructed with the assistance of any agency of the Federal
34 government, or other governmental agency, the resolution of

1 the board of local improvements shall set forth that fact and
2 the estimate of cost shall set forth and indicate, in dollars
3 and cents, the estimated amount of assistance to be so
4 provided.

5 (Source: 90-480, eff. 8-17-97.)